

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

V.

FREDERICK ALLEN MCCORMICK,

Defendant.

8:04CR218

ORDER

Pursuant to the Opinion of the Eighth Circuit Court of Appeals remanding this case to the district court for resentencing pursuant to *United States v. Booker*, 125 S. Ct. 738 (2005),

IT IS ORDERED:

1. That resentencing of the defendant is scheduled before the undersigned on **December 1, 2005, at 2:30 p.m.**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant must be present for this hearing.

2. The U.S. Marshal's Office is directed to return the defendant to this district for the above hearing.

3. Counsel for the defendant is reappointed to represent the defendant for this resentencing.

DATED this 19th day of October, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge